

JURY IN I. R. T. QUIZ APPEALS TO SMITH

Resolutions Urging Special Assistant to Supplant Swann Received.

CONFERENCE IS SOUGHT

Prosecutor Asks to Be Present and Governor Is Silent on Both Requests.

Hostilities were renewed yesterday between District Attorney Swann and the Extraordinary Grand Jury that is considering Mayor Hylan's charges of collusion between the officials of the Interborough Rapid Transit Company and the employees in fomenting a strike in the interest of increased fares.

The latest tactical move on the part of the Grand Jury was to send a communication to Gov. Smith, enclosing copies of the resolutions adopted last Friday requesting Supreme Court Justice Weeks to supplant Mr. Swann with a special assistant satisfactory to the jury to present the further evidence in the case and requesting that the governor set a time to meet a committee of the Grand Jury to discuss the request.

Gov. Smith received the letter yesterday as he was sitting in District Attorney Swann's private office conducting a hearing on an application for clemency for Joseph Cohen, a convicted murderer. The Governor did not intimate what action he would take, but left the District Attorney's office a short time later with the letter in his pocket.

While the Governor was showing the letter to newspaper men District Attorney Swann made a verbal request that if the Governor decided to meet a committee of the Grand Jury he would give him a chance to be heard.

Request Made by Swann.

"I would request, Governor," Mr. Swann said, "that if you follow the suggestion contained in this letter that I be notified and allowed to be present. To use the words of a once famous police chief I have some important information 'touching' on and 'appertaining' to the present situation. Gov. Smith laughed at the famous query, but did not indicate whether or not he would comply with either the request of the District Attorney or that of the Grand Jury."

The communication to the Governor was dated yesterday and signed by Raymond P. Almira, foreman of the Grand Jury. It was written in Mr. Almira's business stationery. After quoting the motions adopted by the Grand Jury, which were embraced in the communication sent to Justice Weeks on Friday, the letter concluded:

"I take the great liberty of requesting that the committee (of the Grand Jury) may be given the benefit of an early interview with your Excellency, and that your Excellency will cause me to be advised by phone or otherwise when and where it will be convenient to meet the committee."

District Attorney Swann said that the Governor would have no warrant of law to appoint a special assistant. District Attorney to supersede him in the case.

"This is a very rambling communication and it is not entirely intelligible to me," Mr. Swann went on. "There is no warrant of law for such action and besides there is no appropriation for the appointment of a special assistant. It is an attempt on the part of the Grand Jury to arrogate to itself powers never intended for the Grand Jury."

Mr. Swann then read to the newspaper men the sections of the code of criminal procedure defining the power and duty of the Grand Jury. It is: "The Grand Jury has power and it is their duty to inquire into all crimes committed in the county and to present them to the court."

Powers of Grand Jury.

That," he continued, "is as far as the power of the Grand Jury goes. The Grand Jury sometimes makes what is called a presentation to the Court, but it is nothing more than a recommendation and without any greater legal force than a private communication from twenty-three gentlemen who are residents of the county. Justice Weeks so ruled last Friday when he refused to give this Grand Jury a roving commission. This is clearly an attempt to go over the heads of the District Attorney and Justice Weeks by a direct appeal to the Governor."

"There is no authority in law for the Governor to appoint an assistant district attorney, nor is there power vested in the Governor to appoint clerks, stenographers, &c., for the Grand Jury. The Governor is empowered to direct the Attorney-General to appear before the Grand Jury except in a criminal action. In this year of grace the country will not sanction an attempt at government by Grand Jury."

Foreman Almira refused last night to make any comment on his letter to the Governor or to discuss the controversy with Mr. Swann in any way. When a note was sent to him in the Grand Jury

"Roosevelt as a Country Minister." A stirring story about the late President, which won the first prize in a contest. Read it next Sunday's Sun.

Autumn Garden Information

Plants for a North Window.
Making the Asparagus Bed.
The Hardy Border.
Homemade Plant Propagator.
Winter Window Gardens.
Proper Depth to Plant Bulbs.
Potting Plants.
Garden Work Throughout the Year.
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room asking if it was true that such a communication had been sent to the Governor he returned it with the pencilled reply: "I decline to be interviewed."

Practically the entire staff of the Grand Jury yesterday was spent in reading the testimony of witnesses who have appeared in the earlier stages of the investigation. No statement was made concerning any additional witnesses that may be called and Mr. Swann announced that he would not deviate from his announced course of action which was that he would assist the Grand Jury in any way they requested, particularly in the examination of witnesses, but that the jury must summon its own witnesses and take all the initiative in the future.

RESPITE FOLLOWS BAFF CASE HEARING

Governor Extends Time Set for Execution to Guard Against Error.

The fate of Joseph Cohen, now in the death house at Sing Sing for the murder of Barnett Baff, West Washington, Market poultry dealer, still hangs in the balance, although Gov. Smith, following a hearing at which he presided in the office of District Attorney Swann yesterday, decided to grant further respite to the condemned man.

The Governor sat for five hours listening to testimony of witnesses as well as a recital of facts adduced at the District Attorney's John Doe proceedings held last spring before Judge John F. McIntyre of the Court of General Sessions, through which it was endeavored to determine whether perjury had been committed at Cohen's trial. The hearing yesterday was granted by Gov. Smith upon application made by Cohen's attorneys, Goldstein & Goldstein, for a commutation of Cohen's sentence to life imprisonment, the contention being made that there is now evidence to show that Cohen may have been wrongly implicated in the murder of Baff.

After following patiently for hours without a let up all the ramifications of the case Gov. Smith frankly acknowledged that he was getting tired of listening and asked to be told the present status of the case. That is not Court of Appeals language, Judge," he added, turning to Judge McIntyre, "but that's just what we've got to have in order to get anywhere."

The Governor then asked Judge McIntyre if the John Doe inquiry had produced sufficient evidence that perjury had been committed to justify taking the matter to the Grand Jury. Judge McIntyre replied that he believed enough evidence had been adduced.

Present at the hearing yesterday besides the Governor, Judge McIntyre, the District Attorney and several of his aids were Attorney-General Charles D. Newton, Deputy Attorney-General James O'Malley, William C. Cullen, Milton A. Parson, counsel for the Governor, Owen Potter and George Van Name, respectively legal assistant and secretary to the Governor; Frank Moss, former counsel for Cohen, and Harry Kopp, counsel for Able Graft, one of the men alleged to be implicated in the Baff case.

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OTTO SCHIFF SUES AFTER STEEL DEAL

Estate of Rob't Van Cortlandt Among Defendants in \$2,843,427 Action.

COLUMBIA IS INTERESTED

Misrepresentation in Amount of Assets of Company Is Charged.

Otto M. Schiff, a nephew of Jacob H. Schiff, went on the stand yesterday before Justice McAvoy in the Supreme Court and testified on behalf of the plaintiffs in a suit brought by Bourke, Schiff & Co. and Cecil Grenfell, an English capitalist, to recover \$2,843,327 from the estate of Robert Van Cortlandt and others. The trial of the action has been in progress for several days.

Other defendants in the action are Robert T. Hannan, Walter T. Rosen, Franklin Q. Brown, Cornelius Vanderbilt, William P. G. Harding and the estate of James T. Woodward. Columbia University, while not named as a defendant, has an interest in the outcome of the action, as that institution is beneficiary under the terms of the Van Cortlandt will in the sum of \$1,000,000. The university is represented by counsel at the trial.

Van Cortlandt, who died in February, 1918, Woodward and the others named were members of the reorganized company. The plaintiffs allege they paid the amount sued for and received stocks and notes of the reorganized company. They allege they would not have made the purchase had it not been for misrepresentations regarding the company made to them by the defendants.

It is alleged that Robert Van Cortlandt was the active representative and head of the syndicate, and together with William W. Miller, an attorney, visited London and succeeded in interesting Grenfell in the reorganized company. Schiff testified at yesterday's hearing that while the books of the Southern Steel Company showed that its property was worth only \$11,000,000 he had been led to believe from statements made by Van Cortlandt and an accountant that the company's assets totaled in the neighborhood of \$40,000,000 and possessed an actual "break up value" or positive value if sold by a receiver of nearly \$16,000,000.

Depositions made on behalf of the defendants deny that any guarantee was made to the plaintiffs.

ITALY'S NEW AMBASSADOR

Romano Has Had Varied Diplomatic Experience.

WASHINGTON, Oct. 15.—Baron Romano Avezzano, who is to succeed Count V. Marchi di Celerno as Italian Ambassador here, according to unofficial advice from Rome, is a trained diplomatist, 52 years of age, speaks English well and married the Countess Louise, sister of Taylor, while attached to the Italian Legation here in 1897.

He began his foreign service at the Italian Consular office in Cairo and in turn was stationed in Trieste, Tunis and Paris. He entered the diplomatic service as secretary in Washington and afterward was secretary in the Berlin and Tokyo legations, becoming a Minister when stationed in Rio de Janeiro. He was later Minister in Cettigne before going to his present post in Athens.

BURLESON CALLS HIS WORK MIRACULOUS

Post Office Chief Answers His Critics in Speech at Atlantic City.

SAYS FOES ARE SELFISH

Complaints Come From Those With Ulterior Motives, He Charges.

ATLANTIC CITY, Oct. 15.—Postmaster-General Burleson addressing the American Hardware Manufacturers Association to-day said he had not lost a minute's sleep over the attacks on the efficiency of the postal administration and offered a sweeping defense of himself and his office.

"Record has been made of what I stand for, and it is not going to be changed," he said. "The postal administration is remarkable in development, wonderful in organization and has a standard of efficiency that borders on the miraculous."

Mr. Burleson said the people had been misled into believing him responsible for impaired postal service, which was due to the breakdown of the railroad system. In one month there were 97,000 missed train connections, he said. Part of the trouble was also due to the Post Office Department being overcrowded with other work, including War Savings Stamp campaigns, distribution of Liberty Loan propaganda, the mailing of millions of questionnaires, and aiding in administering the espionage act and the registration of alien enemies.

"When the entire world was readjusting itself to war, when our splendid railroad system broke down completely, is it any wonder that there was some slight disarrangement of the postal service?" Mr. Burleson said. "Yet there were some people who complained they didn't receive their mail with regularity and dependability. I don't blame them for complaining. It is human, but it is unjust."

"As the only Government department with a nationwide organization the postal service was called upon by all other departments to aid them in their work, and this in spite of the fact that thousands of trained postal employees had been called to the colors, or been put in cantonments to give efficient mail service to soldiers."

Mr. Burleson said with some fervor explained that his exclusion of additional matter from the mails was an unwelcome task.

"I was denounced as suppressing free speech, as an autocrat and a Prussian," he said, "but I moved on in the even tenor of my way, performing my duty with moderation, exercising no arbitrary power whatever, but enforcing the law as written. It is great satisfaction that in every case where my action was contested the courts have upheld me."

Mr. Burleson said his chief critics were the express companies, the owners of pneumatic tubes and the newspapers and magazines. These complaints went over his head, he declared, because he found them actuated by ulterior motives.

Destroyer Built in Thirty Days. QUINCY, Mass., Oct. 15.—The destroyer Reid, built in thirty working days, was launched to-day at the Squantum plant of the Bethlehem Shipbuilding Corporation. In place of the mineral water that has been recently in vogue at launchings, Mrs. Joseph W. Powell, whose husband is vice-president of the corporation, christened the destroyer with a bottle of champagne. The craft was named for Capt. Samuel Chester Reid, who gained fame in the War of 1812.

PRISONER'S STOMACH HUMAN JUNK HEAP

Had Eaten Everything but Food, Hoping to Die.

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Boston, Oct. 15.—Discovery of a "human junk heap" was announced by officers of the House of Correction at Deer Island to-day. Charles W. Bussell of Montreal, serving a sentence of one year for forgery, complained of indigestion. A surgical operation resulted in the recovery of two pounds of miscellaneous articles from his stomach.

The collection, Dr. L. C. Rockwell said, included parts of a dog chain two feet long, a safety razor blade nearly whole, a suspender buckle and 178 fragments or pieces of glass, hay, wire, staples, nails and screws. Relieved of these substances Bussell has almost entirely recovered, it is said.

The prisoner had been accumulating the collection with suicidal intent, according to Dr. Rockwell, since last December. He had previously made a similar cumulative attempt to end his life, but it was frustrated by an operation performed in New York, he said.

Bussell told the surgeons that he was a former clergyman having held several pastorates in Canada, and had been convicted of worthless check operations in Michigan, New York and New Jersey.

9,968 FIRST CLASS LICENSES GRANTED

688 Less in This City, a Decrease of 400 in Manhattan.

Special Despatch to THE SUN. ALBANY, Oct. 15.—State Excise Commissioner Herbert Sloan announced to-day that a total of 9,968 first class liquor licenses have been issued by his department under which saloons will be permitted to run until Federal prohibition takes effect on January 16. This is a decrease of 1,521 first class licenses from the 1918 figures. The total licenses of all kinds issued for the rest of the year is 10,721, a decrease of 2,554.

New York city shows a decrease in first class licenses for the remainder of the year of 688, there being 400 less in Manhattan alone. The total for the city is 6,643 licenses of all kinds. In ten counties of the State no licenses of any kind were issued. This is an increase of three in the "desert" counties.

DEATH CLAIMS ARE PAID.

N. Y. Consolidated Railways Gives Surrogate Estate \$20,200.

Surrogate Wingate of Kings county yesterday approved the settlement by Receiver Garrison of two death claims against the New York Consolidated Railways Company. Ernest Sturm, 1822 Avenue H, Flatbush, administrator of the estate of Adolph Sturm, has been paid \$20,200. Adolph Sturm, 42 years old, chief clerk for the General Adjustment Bureau, 89 Maiden Lane, Manhattan, was one of those killed in the Malbone street tunnel disaster of November 1, 1918. He left a widow, Jessie A. E. Sturm, and three children aged 9, 8 and 6 respectively.

Sadie Shadillo, 1870 Sixth street, Brooklyn, sister of and administratrix of the estate of Matthew F. Shadillo, was allowed \$250. Shadillo was a member of Company M, 106th Infantry and returned from France as a casual early in December, having been gassed. On the morning of December 18 he got on the track of the Sea Beach line 200 feet from the Eighteenth avenue elevated station, where he was struck by a train and killed. The small sum for which the case was settled was due to the fact that he was on a private right of way and also that he left no dependents.

POKER AND RACING WINNINGS TAXABLE

Losses May Be Deducted From Income Statement in State, Is Opinion.

Special Despatch to THE SUN.

ALBANY, Oct. 15.—Heads of eleven district offices of the new income tax bureau of the State Comptroller's office were named to-day by Comptroller Travis. He also officially announced the naming of Wilfrid Youker of Kings as a deputy director at \$4,800 a year, and Edward G. Zimmer of Rochester at the same salary.

The branch office heads named were Roy H. Palmer, Troy, in charge of the Albany office; Louis C. Andrews, Elmira; Henry R. Mulford, Binghamton; Thomas W. Whittle, Bross; Henry R. Cocheu, Brooklyn; Leonard C. Goldsmith, Yonkers; Henry Selheimer, Buffalo; David R. Leo, Syracuse; James M. Mangum, Rochester; J. Dupuy Hapbrough, Kingston, and Frederick E. Kneese, Jamaica.

Mark Graves, head of the income tax bureau, announced to-day that while no official ruling had been made, he believes poker winnings, stock market profits and other gaming earnings will have to be listed for the State income tax just as they are under the Federal tax. By the same token poker losses, returns of bad bets on race horses and other losses can be deducted in making up net income statements, according to Mr. Graves, under that section of the law which says "losses sustained in any transaction entered into for profit, though not connected with a trade or business, if not compensated by insurance or otherwise, may be deducted."

DUTCH-BELGIAN ALLIANCE.

Brussels, Oct. 15.—Several newspapers here are informed that Belgian delegates negotiating in Paris with representatives of Holland relative to the controversy between the two countries arising out of the proposed revision of the treaty of 1839 are about to conclude a compromise with Holland in the form of a Belgian-Dutch alliance.

It is understood that, in making this arrangement, Belgium will give Holland military guarantees. Nationalist and Catholic newspapers severely criticize the plan.

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W. L. Douglas name and the retail price stamped on the bottom guarantees the best shoes in style, comfort and service that can be produced for the price.

The stamped price is W. L. Douglas personal guarantee that the shoes are always worth the price paid for them. The prices are the same everywhere.

—they cost no more in San Francisco than they do in New York.

W. L. Douglas shoes are sold through our own stores direct to the wearer at one profit. All middlemen's and manufacturing profits are eliminated.

By this method of marketing our shoes, wearer shoes at the lowest possible cost.

W. L. Douglas \$7 and \$8 shoes are absolutely the best shoe values for the money in this country. They are the leaders everywhere.

W. L. Douglas \$9 and \$10 shoes are made throughout of the finest leather the market affords, with a style endorsed by the leaders of America's fashion centers; they combine quality, style and comfort equal to other makes selling at higher prices.

W. L. Douglas shoes are made by the highest paid, skilled shoemakers, under the direction and supervision of experienced men, all working with an honest determination to make the best shoes for the price that money can buy.

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735 Broadway, cor. 8th St.

847 Broadway, near 14th St.

1352 Broadway, cor. 36th St.

1485 Broadway (Times Sq.)

184 Third Avenue.

1452 Third Avenue.

2202 Third Ave., cor. 120th St.

2779 Third Ave., bet. 140th & 147th Sts.

347 Eighth Avenue.

350 West 135th Street.

BROOKLYN.

706 Broadway, near Thornton St.

1867 Broadway, cor. Gates Avenue.

478 Fifth Avenue, cor. 11th Street.

859 Manhattan Avenue.

Stores marked with a * carry complete lines of W. L. Douglas Shoes for Women

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HOBOKEN—120 Washington Street.

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TRENTON—29 East State Street.

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